THE KINGS MOST EXCELLENT Majesty, the Lords Spirituall and Temporall, and Commons in this High Court of *Parliament* assembled.

The humble Petition of the distressed Prisoners for Debt, within the Prisons of the Kings Bench; and of all other Prisoners for Debt, within the severall Prisons in the Kingdome of *England*, and Dominion of *Wales*, being about ten thousand in number, as is humbly conceived.

Sheweth,

THat in the third yeare of his Majesties raigne, the body of this Common-wealth being sensible of many sufferings, occasioned by persons disaffected to the common good, by the breach of Magna Charta (which was a contract intended for a perpetuall Law between the King and Subject.) The Lords and Commons in Parliament then held, did Petition his Majestie for confirmation of this great Charter, (which implyed their consents) to which his Majestie most Gratiously assented, which is a confirmation thereof, and implies an act; and if it did amount unto an act, and to an absolute and legall confirmation thereof, it nullifies all latter Statutes made in contradiction thereof; which tend to the betraying of the liberty of the Subject; which contradiction may seem too great in the wisdome of this Worthiest Assembly, it having lately, being publiquely maintained therein; That the Subjects must be eased in their persons, being Liberi Homines and not Villaines, from all illegall excesse and Imprisonment against Magna Charta, being our greatest liberty.

Wherfore your distressed Petitionets most humbly pray, that the premisses may be taken into serious consideration; together with the humble Remonstrance hereunto annexed; That they may be restored to their ancient Legall Liberties as at the first.

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IMPRISONMENT OF MENS BODYES for Debt, as the practise of ENGLAND now stands,

is
1. *Against the Law of* GOD.
2. *Against the Law of Man: and the most ancient fundamentall Common Laws of this Kingdome.*
3. *Against the Law of Conscience and Christian Charity.*
4. *Against the practise of other Countries.*
5. *Against the Creditors owne profit.*
6. *To the prejudice of the King and Common-wealth.*

Printed in the yeare of our *Lord*, 1641.

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CHAP. I.

Against the Law of GOD.

WHatsoever directly or indirectly forbiddeth the performance of Christian duties to the Law of *God*, is against the Law of *God*.

The Law of *God* willeth and commandeth every man to follow a vocation, to doe the honour, duties, and services owing to his Prince, Countrey, and Parents, to live with, and provide for his Wife Children and Family: and to instruct, governe, and bring them up in the knowledge, Faith, and feare of *God*.

But Imprisonment of mens Bodyes for Debt, forbiddeth the Prisoner to live in or doe the works of his vocation, it forbiddeth Husbands and Wives, Parents and Children to cohabite; it forbiddeth and separateth him from the Christian Congregation, and tyeth him up ~~whose neither Sacraments, Preaching, or other service of God are established.~~ It forbiddeth and disableth him to perform many other Christian duties owing to *God* and his neighbour, and compelleth him to live corruptly and unprofitably in idlenesse, which is contrary to the Law of *God*:

Therfore Imprisonment of mens bodies for Debt is against the Law of *God*: for no Law of *God* directly or indirectly willeth or commandeth Imprisonment of mens bodies for Debts, nor is it warranted by any example in the word of *God*: But all ruling over the Body or goods of our Brother by any kind of hardnesse, cruelty or oppression is expresly forbidden in the Law of *God*, viz. *In the old Law the children of God were commanded to restore the pledge taken*,

Exod. 22. 26. And if thou take thy neighbours rayment to pledge, thou ſhalt reſtore it unto him before the Sunne goe downe, for that is his covering onely, and this is his garment, for his skinne wherein ſhall he ſleep? and in divers other places: as,

He that hath not oppreſſed any, but hath reſtored the pledge to the Debtor: he that hath ſpoyled none by violence, he ſhall ſurely live, ſaith the Lord. Ezek. 18. 8.

And if thy Brother be waxen poore, and fallen in decay with thee, then thou ſhalt relieve him, and as a ſtranger and a ſojourner, ſo ſhall he live with thee. Levit. 25. 35.

Moreover if thy brother be impoveriſhed, and be ſold unto thee, thou ſhalt not compell him to ſerve as a Bondſervant, but as a hired ſervant, and as a ſojourner he ſhall be with thee, and ſhall ſerve thee unto the yeare of Jubilee. They are my ſervants ſaith the Lord, they ſhall not be ſold as bondmen. Thou ſhalt not rule over him with rigour, but ſhalt feare thy God, Levit. 25. 39 40 & 42. 43. & Levit. 25. 46.

And when thy Brother which hath bin ſould unto thee hath ſerved thee ſixe yeares, thou ſhalt let him goe free, Jer. 34. 14.

And at the end of ſeaven yeares thou ſhalt make a releaſe, and this is the manner of the releaſe. Every Creditor that lendeth ought to his neighbour, ſhall releaſe it, he ſhall not exact it of his neighbour, or of his brother, becauſe it is called the Lords releaſe of a ſtranger, thou mayeſt exact it againe, but that which is thine with thy brother, thine hand ſhall releaſe, Deut. 15. 1, 2, 3. & Deut. 15. 13, 14. And 26.

In the Goſpell the concluſion of our Saviour *Chriſt*, upon Mat. 18. 23. and upon Mat. 5. 25. are exhortations to peace, mercy, and forgiveneſſe, which are contrary to Impriſonment, and every kind of rigour or cruelty, *Mat* 18. 35. & 5. 30.

Nor hath the Goſpell a word of command or warrant for Impriſoning men for Debt: but we are often taught and commanded to remit our Debts, and to forgive our Debtors, viz. *When ye pray, pray thus, Our Father,* &c. *Forgive us our Debts, as we forgive our Debtors,* Mat. 6. 12. and in the 14. verſe, *for if ye doe forgive men their treſpaſſes, your heavenly Father will forgive you your treſpaſſes.*

And in Luke 11. 12. *Forgive us our ſinnes, for even we forgive every man that is indebted to us.*

And againe, our Saviour commandeth *to love our neighbour as ourſelfe,* and calleth it one of the greateſt Commandements, Mat. 22. and Rom. 13.

And to forgive our brothers treſpaſſes 70 times ſeaven times, *Mat.* 18.

Love your enemies, bleſſe them that curſe you, doe good to them that hate you,

you, and pray for them which despitefully use you, Mat. 5. 44.

And Rom. 12. 20. *If thine enemy hunger feed him, if he thirst give him drinke.*

Now if no Law of *God* in the old Testament commandeth, or by any example warranteth Imprisonment of our Brothers body for Debt, but expresly forbiddeth it, and commandeth to relieve him, if he be fallen into decay to take care how, and wherein he shall sleep, then are all unbrotherly rigours and ruling over his goods or person, by oppression, much more clearly against the Law of *God*, viz. to consume him by Vsury, forfaitures, and such like, to take from him all his goods, bed and bread, and all that may minister comfort or relieſe unto him, to cast his body into Prison for an usurious Debt, wherein his misery is extreame and endlesse, without hope of a Iubilee for the freedome of his Body, or releasement of his Debt, or any other comfort or care that either the Statute Law provideth, or his brother Creditor taketh for him. For the Creditor, and the straightnesse of the Prison, strip him of all meanes, whereby he may have, or get bread by his labour or vocation, to keep him, his Wife and Children from starving, whilest he lyes in Prison, as by many desperate and pittifull examples of this kind have bin seen.

Much lesse can any man say that the Gospell commandeth or counselleth these things, for to forgive our brothers Debts and trespasses as *God* should forgive our sinnes, to love our neighbour as our selfe, and not hate an enemy, must needs exclude all violence, rigour, cruell dealings, oppression, hard heartednesse, and ruling of one brother over another in matter of Debt or trespasse by Vsuries, forfaitures or Imprisonment.

Therfore the practise in *England*, of putting it in the will and power of the Creditor to leave the recovery against the goods, and to fall upon the body, credit, and liberty of the Debtor, by Imprisonment, is against the will and Law of *God*.

CHAP.

Chap. II.

Against the Law of Man, and the most ancient and fundamentall Common Laws of this Kingdome.

BEsides this that every Humane Law (to make it rightly just and lawfull) ought to be founded in or by the Law of *God*, *ab initio* it was not so: For by the Common Laws of *England* wh ch are the most antient, most eminent, and most binding Laws. No Free-man may be taken or Imprisoned for Debt, *Regist. fol. 77. de homine replegiando* in *fol. 66.* And by the Statutes of 3. *Ed.* 1. *cap.* 15. and *annis* 5. and 9. *et ann.* 25. Ed. 3. *cap.* 4.

Nor were or can the Common Laws (being the fundamentall Laws of this Kingdome) be repealed or made voyd, for they are perpetuall and radicall Laws.

But the Creditour was to take his satisfaction upon the Debtors estate of goods and lands, *W.* 2. *cap.* 18. *an.* 13 *Ed.* 1. so his body and endeavours were still free. By *Magna charta*, (which is an explanation and an affirmation of what was the Law of the Land, and which is not only a perpetuall Law, but as a perpetuall contract between the King and the Subject, written in the bloud of thousands) the body of a Free-borne man might not be Imprisoned, *nisi per Legem terræ. Magna Charta* 9. *H* 3. *cap.* 29. and the Law of the Land did not Imprison any for Debt. And the power of that Law of *Magna Charta* is not, nor ought to be extinguished at this day for the great and weighty causes and reasons whereupon it was first founded: but is in force in every point and Article thereof, 52. *H* 3. *cap.* 5. 14. *Ed* 3 *cap.* 1, Abridgement Stat. *folio* 65. *a.* 6. *Petition of Right*, 3. Carol. And all Statutes that shalbe made contrary to *Magna Charta*, are voyd by the Statute of 42 *Ed.* 3 *cap.* 1.

In summe, it is an undoubted thing, that by the ancient Laws and *Magna charta*, the bodies of Free-men were not Imprisoned for Debt, otherwise there needed no Statute Laws to warrant the same; and this priviledge was a distinction between Free-borne men and Slaves.

Yet for the hardnesse of mens hearts, and by the decay of Christian

ſtian charity among men, afterwards there was a Statute Law made that Accomptants bodies onely might be impriſoned, and put in Irons, till payment of arrerages unto their Lords, by the Statute of *Marlebridge*, 52. *H.* 3. *cap.* 23. *W.* 2 *an.* 13. *Ed.* 1. *cap.* 12. and this act was made generall againſt all Debtors by the Statute of 25. *Ed* 3 cap 17. which was almoſt 300. yeare after *Magna charta*.

And in like manner were merchants bodies onely Impriſoned upon the Statute Merchant *Aſtim Burnell*, 11. & 13 *Ed.* 1.

And this Act was alſo made generall againſt all Debtors, by the Statute of 25. *H.* 8. *cap* 6.

Here let us note two things: Firſt, the poverty of the words of this Statute of 25. *Ed.* 3. that firſt Impriſoned the bodies of Freeborne men for Debt, for it hath no cauſe, circumſtance, or reaſon alleadged why the ſame was ſo ordeyned. Secondly, that yet Priſoners in execution, might and did follow their vocations and affaires by Bayle, Mainepriſe, or Baſtonjas by the Statute of 1 *Rich.* 2 *cap.* 12. And from that time forwards were Priſoners, tyed up ſhorter to *Habeas Corpus*, and the Kings ſpeciall *mandate*: But now the Writ is not at all allowed to Priſoners in Execution, but upon payment of 10. *ſh.* 6*d.* a day, to their great and inſupportable oppreſſion.

Harvy, Hutton, Vernon, Iudges, took no Fee yet alowed *habeas Corpus*.

Againe, here is a latter Statute Law, direct contrary to the ancient Common Laws of *England*: and to *Magna Charta*, (which are the ancient roots and body to all Statute Laws) ſeemeth very ſtrange.

And how it is, that the greater ſhould give place to the leſſe! or that a Statute Law may diſanull the fundamentall and mother Laws, ſeems more ſtrange, and more unſeemly. For Statute Laws, in comparison, or competition of fundamentall Laws, are no Law, eſpecially when they are direct contrary to the Mother Laws.

And againe, Statute Laws are to maintaine and confirme the intent of the fundamentall Laws, by adding matter of explanation, or other neceſſary dependencie, not to contradict, or nullifie the full and whole meaning of the fundamentall Laws: eſpecially in one of the greateſt freedomes that men ought to enjoy by birth and Countrey.

But let us examine the reaſons commonly alleadged, for the making of theſe impriſoning Statutes, and for continuing thereof at preſent.

1. That becauſe men made ſecret eſtates in truſt to defraud their Creditors, therfore their bodies were to be impriſoned in execution.

Which is a very weake ground: for though ſome men did ſo in

3d. the third time, it doth not follow that all did it then, or now: and it is unjust to punish all promiscuously, aswell frauders as non frauders, without and before any proof made.

And yet if all Debtors were guilty of that supposed fraud, this Imprisonment were needlesse: for the fraud being proved, the Debtors estate is discovered, and becomes liable to the Debt; and the Law punisheth the fraudler otherwise (or harder punishments may be made for fraud) what needs then any Imprisonment of the body for Debt?

2. It is alleadged that the Debitor being sufficient and able, of obstinacy will not pay.

Answer, Let the Debtors sufficiency be proved, and forthwith the Law gives it to the Creditors, whether the Debtor will or no; so it is still needlesse to Imprison the body, especially when twenty yeares Imprisonment discounteth never a penny of the Debt: and yet the Debtor hath suffered more misery and punishment, upon a bare supposition of fraud or obstinacy, then a guilty Traytor or Rebell suffereth for the highest offence.

Therfore we may conclude, That Imprisonment of mens bodies for Debt is against the Law of Man, or the fundamentall and Common Laws of this Kingdome, are no Laws; or that the wisdome of that Statute Law exceeds the wisdome of the Law of *God*; and of the Gospell, and the wisdome of the mother Laws of this Kingdome, which have ordayned the recovery of Debts upon the estate, not upon the person of the Debtor.

CHAP.

CHAP. III.

Against the Rule of Justice.

FOr all Laws that are against the Law of *God*, or which have no ground or foandation on, or by the Laws of *God*, are also against the rule of Justice. And it is against the rule of Justice and Law of nature, that men equally freeborn should be deprived of the common and equall liberty, and be given into the power of another, without criminall cause or guilt.

But let it it be demanded of the Statute Law, to what end the Debtor is Imprisoned? It must be answered, It is either for punishment or coersion.

If for punishment, It is against the rule of Justice: for to be found a Debtor in the Law is no criminall guilt, and therfore it is an unjust thing to punish him criminally, that hath not offended criminally.

If for coersion to make the Debtor bring forth his estate to the payment of the Debt, it is against the Rule of Justice also, for to enforce a man by hard punishment, to doe that which doth not appeare to be in his power, or which the Law is already certified, that there is not wherewithall to doe (for so it is certified before the Cap as against the body was granted) is cleare against Justice.

If it be replyed, that it is upon a supposed fraud, that the Debtor is so Imprisoned, it is unjust also: for to punish upon supposition, or before proofe made, is unjust: why should not the Debtor in this case be presumed in the Law to be innocent of fraud, (as in all other cases accused men are) till the contrary be proved?

And it is unjust also, because Imprisonment of the Debtors body, though it be torne in pieces for the Creditors sake, yet neither fills the Creditors purse, or discounts a penny of the Debtors Debt. *Vide Plutarch in Solons life, fol. 90.* not

Againe, it is not agreeable to the rule of Justice to thrust all much unlike kind of Debtors in one Prison together in a heape, without respect to the different qualities of men, to more or lesse guilt of fraud or obstinacie; or whether it be an honest or an usurious debt, to more or lesse meanes of the Debtor, whereby he must live or starve in Prison. *Dracons* Laws that ordaine all offences to be alike punished.

or to the holding him one yeare or twenty yeares in Prison. Some are great Debts for thousands; some are small Debts for trifles; some are supposed Debts not yet proved; and in truth some are no Debts: but for certaine, all, (or 9 in 10) are usurious Debts and forfeitures, scarce one friendly or honest Debt of a hundred.

And it is unjust in proportion, for the rule of Iustice by the Law of *God*, is an *eye for an eye, blood for blood*, not a mans liberty, credit, person, life, and all that is deare unto himselfe, goods or moneys usuriously lent or commerced.

And indeed it is contrary to Iustice and reason, that the Law should by uncharitable violence of Imprisonment compell the Debtor to pay that which the Creditor (not in honesty or friendship, but for uncharitable usury, and his proper unlawfull gaine) hath desperately and corruptly adventured to trust.

And whereas it is suggested, That these violent courses against Debtors, are done for the common good, for maintaining contract, commerce &c yet it is to cleare, that their end and effect is the advancement of cruelty and oppression, to the depression of honest and lawfull commerce and banishment of Christian charity, which is, and ought to be the only rule of policie, to beget and maintaine a flourishing Common-wealth.

Vide Plutarch in Solons life, in fol. 87. the cause and misery of Debt and Vsury.

But it will be said, That Imprisonment is no punishment: for Prisoners live at ease and pleasure; and indeed such is the common received opinion, though false and very slanderous.

For the truth is, That the miseries and afflictions of Imprisonment, are unexpressable, and cannot be conceived by any that have not felt or had proofe thereof.

The ancient Romanes construed and reputed Imprisonment to be a guard or safe keeping of Slaves and Bondmen, but a heavy punishment to free-borne men.

In the old Testament the Prophet *Micha* for a punishment, was by King *Ahab* sent to Prison to be fed with the bread of affliction: and surely if the bread of affliction be to be found any where, it is in the Prison.

For Imprisonment is a corporall punishment, a griefe and torture of the mind; a long and lingring dying, and somtime a shorc killing by plague or pestilence, &c.

It overthroweth a mans reputation, and destroyeth all that is good or deare unto him: his kinred grow strange, his Friends forsake him; his Wife and Children suffer with him, or leave him, or rebell, or degenerate against him; and lye open to all disgrace, and villanie of the world, in whose miseries the prisoner

ner ſuffereth more then in his owne ſufferings: before him the ſight of all theſe evills (and which is not the leaſt) he lyes open to every arrow of Scandall or Calumny that a malicious adverſary will ſhoot at him, which he can neither reſiſt or avoyd, becauſe he is not preſent to anſwer for himſelfe. Behind him griefe for loſſe of liberty, credit, friends, eſtate, and all good promiſing fortunes. His Bayle and Suretie (who commonly are his neareſt kinne, or deareſt friends) are in Priſon already, or lye in the power of the adverſary, to make them partakers of the ſame miſery.

We will paſſe by the ill ayre, ſtrait place, hard lodging, unwholſome dyet, with the noyſe, noyſomneſſe, peſtring and fettring the body of the Priſoner, as the leaſt of many evils; and reſt in this that the miſery, baſeneſſe and bondage which Priſoners ſuffer and undergoe, is more then can be expreſſed.

Yet note, that no man can ſtand in ſo ſure an eſtate, but either in himſelfe, or in his Children, he may taſte and feel the miſeries and ſufferings of this unjuſt rule of Impriſonment.

Now to lay ſo many miſeries (as Impriſonment bringeth with it) upon a man, to compell him to doe that, which appeares not to be in his power to doe; and who is not criminally guilty muſt needs be againſt the rule of Juſtice.

Therfore, ſatisfaction ought to be ſought upon the Debtors eſtate, not upon his body.

CHAP.

CHAP. IV.

against the Law of Conscience and Christian Charity.

FOr whatsoever is made or done against the Law of *God*, or not warranted thereby, is also against the Law of Conscience and Christian Charity. Now to enjoyne and compell men to performe corrupt contracts, and to pay usuries and forfeitures is clearly against the Law of *God*; therfore against the Law of Conscience and Charity. But to induce divers necessarie consequences, for the proofe of this Chapter, it is first to be remembred how many wayes a man may guiltlesly and innocently fall by the Law, be convict of Debt or dammages, and cast into Prison thereupon, viz.

1. By ignorance or misprision of himselfe that knoweth not to expresse or informe his owne case aright; or if his Attorney or Counsellor who are not at all times, and in all cases so sufficient, but they may and doe oftentimes erre in answering directing or pleading, especially when false things are cunningly layed, or true things uncertainly layd.

2. By negligence of his Attorney or Counsellour, who somtimes doth forget, fayle, or not attend to answere or plead at just times, or by the Defendants own necessity, who hath not or cannot pay the Fees and charges; or send it by one that payes it not; or payes it too late.

3. By practise or combination of the Adversary, with the Defendants Attorney, Solicitor or Counsellor, with the Witnesses or Jurors, for love, malice, or ends of their own.

4. By perjury of Witnesses, in concealing, perverting, or misapplying truth or deposing untruth.

5. By forgery of Letters, Bonds, Deeds, and such like.

6. By

6. By ſubornation, inclination, or corruption of Witneſſes, Jurors or Officers.

7. By affection, inclination, or corruption of the Judge. And ſo likewiſe any man may be diſabled, and become inſolvent by as many caſualties, and acts of honeſt and good intention; and conſequently become Debtors, and caſt in Priſon thereupon, viz.

1. By Suretiſhip, Bayle, or Security, for Kinſmen, Friends, or others.

2. By loane to Friends, Kinſmen or others, who pay not againe.

3. By falſhood of Friends, Servants and others put in truſt with moneys, Evidences, Office, Trade, Lands, &c.

4. By moving or defending a juſt Suit in Law, where might, practiſe, or Falſhood overbeares him, or many yeares ſuit and delay conſumes him.

5. By Fire, Water, Shipwracke, and ſuch like ſuddaine and unreſiſtable accidents at Sea or at Land.

6. By robbery of Theeves at Land or Sea.

7. By unprofitable buying or ſelling of Lands, Leaſes, Merchandiſes, &c. whereby many honeſt and good underſtanding men have failed and bin overthrown.

8. By arreſts, ceaſures or pretences of forraigne Princes.

9. By ſuddaine loſſe of Friends or Maſters, in whoſe life or favour many a mans eſtate and living dependeth.

10. By errors, in making or keeping reckonings and accompts, or by looſing, or not calling for Acquittances, Bils, Bonds, Releaſes, &c.

11. By ingagements and aſſurances for warranties, Annuities, Dowries, Jointures, Legacies and ſuch like.

12. By Fathers Debts and uſe thereof, which brings many men to Priſon.

13. By Uſury, which ſlily and ſuddainly eateth up a mans eſtate ere he be aware.

14. By a multitude of other wayes and meanes, which were too long for this diſcourſe.

In briefe, ſo frayle, inſecure, and inconſtant are all the things of man in this world, that there is no man, in what ſtate or condition ſoever, but may become inſolvent and

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in Debt by one way or other.

And it is to be noted, That the Law admits no Information, or takes consideration of any of these conscionable circumstances of casuall insolencie, or innocent falling, as aforesaid.

Or whether the Debt grew upon a deceitfull or corrupt bargaine, Usury or forfaiture.

Or whether the Creditour hath suffered any damage or no.

Or whether the Debtor hath payd any part of the Debt.

But in *summo jure*, giveth the whole forfaiture without any conscionable respect.

And the after proceedings are suitable: For after judgement, though the Debtor by his goods discharge ninety and nine pounds principall, yet the body is subject to be Imprisoned till he pay the whole forfeiture of 200 pound.

And the words of the Statute are, That if he have no Goods or Chattells, or not enough to satisfie the whole, his body shalbe Imprisoned for the rest, till he make payment or agreement, *Marlbridge cap.* 23. *an.* 52. *H.* 3. and *W.* 2. *cap.* 11. *an.* 13. *Ed.* 1. and Statute *Acton Burnell, an.* 11. *Ed.* 1.

So every way it is in the absolute power and will of the Creditor to cast the Debtors body into Prison, when in all Conscience and equity, if he have no meanes to pay, he ought to be let out of Prison, or not Imprisoned at all.

For imprisonment of the Debtors body (in it selfe considered) neither is nor can give satisfaction to the Creditors debt, though he murther it by imprisonment.

And in like rigour, when the Debtor is in Prison, the Law never looketh after him with a conscionable eye, though then againe there ariseth most necessary and weighty matter of conscionable consideration, namely, Whether the Prisoner hath meanes to pay the Debt or not: And whether he hath meanes to keep himselfe inlife? For to cast him in Prison (who hath no meanes) is a likelyer course to starve him by famine, then to winne payment of the Debt.

1. For some Prisoners have meanes, and are willing, but cannot pay. Either because the present power is not in them:

Or in regard of the time, that they cannot sell, or cannot receive payment so sodainly.

Or

Or in regard of others interessed, without whose consent he cannot dispose thereof: or the estate is entangled with Dowries, Joyntures, Warranties, Assurances, Statutes, &c. and by trustees.

2. Some have meanes and are willing to pay: but their meanes will not hold out to discharge the whole forfeitures and Usuries, which commonly is as much more as the principall.

3. Some have not to pay principall forfaiture or interest, and the Creditor knoweth or beleeveth it: yet because the Prisoner hath some able kinsman or friend, he will keep him miserably in Prison 10 or 20 yeares, to try conclusions. And they are no small numbers that are cast into, and now lye in Prison upon this project, who live and dye miserably for their able friends sake.

4. Some have meanes and will not pay, of fraud and obstinacie.

But for certaine, there can hardly be found one of five hundred Prisoners guilty in this behalfe, it being the common slander of Creditors to cloake their cruelty and tyranny. But if that were so, the Creditor, who searcheth the very reynes of the Debtor, and his estate, will rather seise and recover the estate to the payment of his Debt, then cast the Debtors body into Prison, where if he dye, not seised of Land, he looseth also.

Now if an honest man may innocently fall in the Law by such a multitude of accidents, practises, and errors of others, and may faile also in his estate, and become insolvent by doing just and friendly Offices to others, and by so many wayes, and cannot be a criminall Debtor, but one way, which is by fraud and obstinacy only:

How can it stand with any Charity or Conscience to neglect and passe by so many circumstances, and such weighty ones in Conscience, and to fall upon the Debtor with such cruelty, by laying such a heape of miseries upon him his Wife Children and reputation at once, as Imprisonment bringeth.

And as if all were too little, many Prisoners are shut up *sub arcta custodia*, upon bare suggestion of the Creditor or

Adversary, and without any proofe made, reason shewen, or once calling or hearing the Prisoner speake, much resembling the course of forraigne Inquisition: when the Judge of Judges counceleth not to adde affliction to the afflicted, and punishments ought rather to be mitigated and minished, then exasperated or increased. *Iulius*, the Heathen intreated S. *Paul* with much humanity, when he was a Prisoner, suffered him to goe to his Friends, and to doe his affaires. The Civilians define strict or streight Imprisonment to be a kind of torment and farre beyond safe custody and that perpetuall imprisonment, Banishment and Death, be equally equivolent.

Now then every Debtors Imprisonment, whose estate will not extend to discharge his whole Debt, (which is the cause even of every Prisoner for Debt) is perpetuall, and consequently equall to death and banishment. And a Judge ought to visit the Imprisoned, and to cause that they may have things necessary. But to returne to the Creditor againe. Is it not a most unconscionable thing, That when he knows the Debtor hath no meanes, will yet cast him in Prison, and keep him there all the dayes of his life, upon a corrupt, and oftentimes causeleese or casuall Debt, without any fraud proved? Why should not the Debtor rather, in Conscience and equity be set at liberty, to get bread for himselfe, Wife and Children, when he hath no meanes to pay, or is content to pay and assigne all his meanes, to avoyd the misery and danger of Imprisonment? or what can the cruell Creditor expect more but the Debtors life, and the spoyle of his Wife and Children? or is it not unjust and ungodly to keep such a poore Debtor in Prison, in hope to wring payment from his friends, by doing cruelty upon his body?

It is true, the ancient Common Laws of *England* are very strict in this point, of maintaining pacts and contracts: but the Contracts of those times were simple, honest and legall, and the recovery was against the estate only, for there were no penall bonds known, nor Usury practised by Christians, when those Laws were made. But all our contracts and bonds or the greatest part are corrupted: And to force men to performe such with the losse of their estates, credit, liberty, and

and many times of the life too, is most inequitable.

Especially, being the Law provides every Creditor his full dammage, without the helpe of a penall bond, which plainly showeth, That all forfeitures are needlesse. And they are unjust also, for they make the Creditor judge of his own damage, which of right belongeth to the judgement of the Law.

And therfore it is too cleare, that all the former cases and causes being different, require different value in Conscience and equity: yet the Law will neither see nor heare any of them but punisheth 99. innocent Prisoners, that would but cannot pay, because one Debtor may happily be found fraudulent and obstinate.

But it wilbe said, That the Chauncery doth mitigate the hardnesse and rigour of the Law. And that wrong Judgements may be reversed by Attaint Errors, *Audita querela*, &c. whi reunto it is answered, That the remedy is worse then the disease: for all courses of reliefe by Law, or Chancery, are hard, tedious, uncertaine, long, and extreame chargable.

And it is a lamentable case, That when the Debtor is unjustly or unconscionably cast in the Law, stript of his estate, his body imprisoned, his liberty tyed up, his credit destroyed, and his friends banished, then to send him so disabled to seek remedy by new suits at Law or Chauncery, which are chargable, beyond reliefe; and more chargeable, and more disadvantagious to the Prisoner, then any other, by farre, is neither just, conscionable, or reasonable: For many a Prisoner hath in these courses spent his meanes, or starv'd in Prison, ere his Suit hath bin halfe ended. The difficulty or rather impossibility of these reliefes is too well known.

And with the same extremity doth the Statute of Banckrupts deale with the poore debitor.

1. In that there are so many provisions made for the Creditors recovery, but not one Act of tendernesse towards the Debtor: For the Debtor may be starved in Prison with his Wife and Children, in the foure moneths assigned, for the finding, ceazing and dividing of his estate, by reason there is no provision at all made for their livelyhoods in the mean time.

2. In that the Statute hath not remembred to set the Debtor at liberty, when all his estate is taken from him and divided, but leaves him without meanes to perish in Prison.

3. Nor hath it made any difference in the quality of Debts for the greatest part of all Prisoners debts are, or arise from corrupt bargaines, forfeitures, and Use; which when the poore Debtors estate will not extend to pay the principall, the forfeitures and Use may be spared, or at least the Debtor not be kept in Prison for such, without meanes, and without Trade, to keep him, his Wife and Children in life. And it is a hard thing to break up the Conscience by Oath, to find wherewith to pay forfeitures Use and corrupt bargaines.

Doubtlesse in this hardnesse of the Law, the miseries of Imprisonment, and the unconscionable dealing of Creditors (all falling heavy upon the Prisoners credit, estate, wife, children, and oftimes upon his Body and Soule too) hath wrought many strange and pitifull effects. And it will not be unfit in this place to shew 2, or 3, especiall examples out of the Kings-Bench, though many more acts of this Kind, have bin done, both there and in the Fleet; and in all other Prisons of *England*, wherein, like men encompassed with like weaknes, and like extremities, pressing them, as divers who in the sense of their sufferings, and miseries, have with poyson, Knives, Halters, and in Vaults, desperately made themselves away; which for brevity sake, I omit to particular.

One *Dawley* an unhappy West-Country-man (who formerly had set on worke one hundred poore people yearely, in the art of Felt-making) fayling in his estate, yet by no knowne vice (for he was ever counted an honest and discreet man) was cast into the Kings-Bench, where having prevayled with 15 of 17 Creditors for respit of foure yeares time, the other two (who were men of very good estate) refused, and prosecuted the Commission of Banckrupt and obtained the Commission sealed, which with much difficulty, and expence, poore *Dawley* withstood, and at last, having obtained a Supersedeas, and not able to give for the private sealing, but halfe a peece (for it was his last money) *Edney* (who perceived there was need and haste) threw the Supersedeas sealed (as by credible report) into the fire; upon notice whereof

whereof, poore *Dawley* not having wherewith to ſtop the Commiſſion, nor knowing how to keepe himſelfe in Priſon, or his Wife, and Children in life; that night hang'd himſelfe.

2. *Erich* a man of 1 600*li.* land per annum, being indebted 7 or 8000*li.* and having embroyled his Eſtate, by Aſſurances, Statutes, &c. to divers great rich men, was by Extents, Orders, and Decrees ſo far ſtript of all, that after he had pawned his Bed-cloathes, and Childrens cloathes, at laſt in meere want, and ſight of his miſery, having but foure farthings left the night before, and his Credit for food ſpent every where, kil'd himſelfe with a Piſtoll. And it may not ſeeme ſtrange, if his Faith did ſhrinke, for he had bin kept two yeares, *ſub arcta cuſtodia*, without hearing of Divine Service, or *Gods word* preached. What ever the man or the cauſe was, we are ſure the courſes were unconſcionable, and the State he ſtood in was very hard for any fleſh & bloed to bear; he accuſed by a Writing made at his death, Sir *Iohn Bennet*, and ſome others, of hard meaſure and injuſtice.

3 In the White Lyon, hard by the Kings-Bench, one *Allen* with his two Sureties, were about 12 yeares ſince, caſt into Priſon, in execution of 30*li.* forfeiture, and coſts, for 12*li.* principall Debt, without any other matter of Debt againſt any of them, who being Mechanicall men, and not able to pay or maintaine themſelves in Priſon, are all three through want griefe and miſery of impriſonment, dead and periſhed. So that for 12*li.* Debt, the cruel Creditor hath had the Lives of three men, and undone their Families. And no marvaile if ſuch ſtrange and deſperate acts are ſo often and commonly committed, when in the Kings Bench alone, there is neere 400. Soules for whom our Saviour *Chriſt* dyed, and ſhed his deereſt blood indifferently, as for any other Chriſtian Congregation. Theſe men are compaſſed with a multitude of miſeries, and heavy afflictions, and therefore ſome cannot chooſe but become weake in Faith, ſtaggered or deſperate, whenas (a wofull caſe it is) there is not a man to ſpeake a word of comfort in due ſeaſon, but through weakneſſe of Faith in *God*, and for want of feare of God, one with ſhame and diſtemperature, looſeth his Suite, or dies.

Another

Another for poverty and want perisheth.

One with feare and griefe, breakes his heart outright.

Anothers heart that cannot breake, the Divell is ready to teach him desperately how to make away.

One uncharitably flies from his Keeper, that his Keeper may pay his Debt.

Another desperately adventures his life to breake Prison.

One gives himselfe over to drink, and company, thinking thereby to comfort his comfortlesse Soule, till all sense of grace and goodnesse be drowned in him.

And accordingly, every severall man falleth, or is in danger to fall, according to his severall weaknesse.

The Prophet in the Old-Law cryed out against grinding the face of the poore. But our Prophets may cry out against grinding the back, heart, and life, of the poore. For Creditors when they have ground away all the Estate then they cast the Debtors body into Prison, where his credit, liberty vertues, and his life are sliely ground away, by oppressing Imprisonment, and the miseries that attend it.

Yet some will excuse their owne unconsciableness, and the rigour of the Law, and so doing, alleging, that in seizeing the Debtors body and goods, the Law doth no more then what the Debtor himselfe hath contracted under his hand and Seale, and *Volenti non fit injuria*, whereto is answer'd,

First that the guilt of the Law cannot so be washed off. For in Debts where there is no contract under the Debtors hand or Seale, the Law gives the Debtors goods and his body into Prison, at the Creditors will.

2. That the Debtor is not *volens*, for it is against every Debtors will to become a Bondsman, but he is pressed thereunto by his owne necessity on the one side, and by the Creditors uncharitable will on the other, who will not lend but upon forfeiture.

3. The common saying (*Volenti non fit injuria*) is a false position, else it is Lawfull to knock a man on the head, who is willing to die, which is absurd for the will or consent of the party, unto an act that is in it selfe unjust cannot make the act just nor justify the actor.

And it is also objected; That if mens bodyes may not be Imprisoned, how shall they recover their Debts. *Answere*,

Vpon

Vpon the Debtors Estate onely, as this Kingdome heretofore did, and other Kingdoms now doe; and therefore let the Creditor ground his trust thereupon, and trust no farther then the Debtors Estate, for thence onely can he have true satisfaction, for the Carcase is worth nothing. It is replyed: That there will be no more credit given, and consequently, Trade and Commerce will decay. *Answere*, Honest Trade, honest Contracts, and honest Trust, wil notwithstanding, be as plentifull, for while there is the same use, necessity and profit, by Commerce, there must needs be the same effect unlesse it shall be denyed by some impossibility, for necessity and profit will not let the manner or meanes sleepe till the effect be wrought.

True it is, that Contracts will be more relatively made to every mans Estate, Credit, and honesty, not blindly and desperately, as now they are, for how did they in the times of the Old-Law of the Gospell, and in the antient times and pollitique Goverment of this Kingdome; and in all other Kingdoms at present. Shall we thinke that those Commwealths had no contracts, commerce, or Loanes of money or are these or those fallen to ruine, for want of Imprisoning mens bodyes for Debt? or were it not better that we had no such amplitude of Commerce, then to purchace it at so deere rates, that giveth offence to the Divine Majesty is contrary to our owne Lawes, to justice, conscience: prejudiciall to the King and State, unprofitable to the Creditor, and destruction to the Debtor.

To conclude, since a man may innocently be a Debtor by the Law, or become insolvent, or have no meanes, or want present meanes to pay in such a multitude of causelesse and casual wayes as is before shewen and can be a criminal Debtor but one way, which the Law pubisheth otherwise?

Why should we (upon so good warrant as we have out of the Old Law, the Gospel, the mother Lawes of this Kingdome, and upon the sight of so many reasons, and rules of Iustice, conscience, and christian piety) doubt to depresse this cruell practise of Imprisoning mens bodyes for Debts, and to restore the antient Lawes, and customes of this Kingdome, to their life and liberty againe.

CHAP.

CHAP. V.

Against the practise of all other Countries.

IN *Germany, France, Italy, Spaine*, and the Low Countries, no man is deteyned in Prison for Debt above a yeare and a day, as all they who have observed the Laws and Customes of those Countries can certifie. In which time the Creditors have power to take, ceaze, and sell all the estate of the Debtor: which being done, the Wives Dower is first taken out, for the relieſe of her and her Children; the rest is div ded among the Creditors, so farre as it will goe, and so the Debtor is freed from those debts for ever, and at a yeare and a day his body is set at liberty to begin the world anew, and by the Civill Law of this Kingdome, *qui vult cedere bonis, liberatus est a debito*, If the Debtor shall be content to relinquish his estate to the Creditor, he is free from the debt; so there needs no Imprisonment at all. But no Gentleman, or man of quality may be imprisoned at all for Debts his estate only is liable thereunto, and yet with reservation of such necessary things, as honesty, honour, humanity and Christianity doth challenge, viz. the Souldiers, person his Armes his apparrell, bed and chamber, conveniently and necessarily furnished, may not be taken for Debt; and like reservation is made to every other man of other quality.

And in all those Empires, Kingdomes and Regions, which are governed by the Mahometan Laws, there is no tollleration of Usury at all, neither imprisonment of mens bodies for Debt, being absolutely by *Mahomets Alcaron* prohibited, in the 4. *Azoara*, or *cap.* viz. *They which live of Usury shall not rise againe otherwise then the Devill, because they imbrace that which God hath said is unlawfull.* They in excuse say, *Usury is a Merchandize, but ye which are good feare God, and forsake Usury, least the anger of God, and of his prophet assayle you, take only the principall, and if thy Debtor cannot pay thee, stay till he can, and give him almes,*

for

for this shalbe better for thee. The Jewes are the onely practizers of Usury in all the Mahometan Countries, and will beforehand take 20 or 30 *per centum* of any Christian, or other that shall use him: But it rests in the power of the Debtor to call the Creditor before the Turkish Justice: and what interest the Debtor can prove he hath paid, shall by the Law be defaulked out of the principall lent. and the debtor only lyable to the rest. And no practise of Imprisonment of mens bodyes above 3 moneths for debt, unlesse the Creditor will maintaine the Debtor, his Wife, Children, and Family, which is never known: so that Imprisonment of mens bodies for debt according to the practise of *England*, is a greater burthen and bondage, then is to be found in any other Christian or Heathen Countrey, yet in no part of the world debts worse payd.

CHAP. IV.

Against the Creditors own profit.

FOr all meanes of satisfaction must arise either out of the debtors credit, out of his labour and Industry, out of the good will of his Friends, or out off his own estate. And all things that deprive or disable the Debtor in any of these, doe weaken and lessen his meanes, and consequently tend to the Creditors prejudice and disadvantage.

Now the Debtors credit is lost assoone as he is made a Prisoner, his vocation, labour, and industry is denyed by imprisonment. And the Prison makes him becom a reprobate to all his able friends; for they all forsake him, dayly experience approves it. And imprisonment no way enableth the meanes for payment of Debts, but doth absolutely consume the Debtor and his estate to the enriching of Lawyers Keepers

of Prisons, Bayliffes and others. For besides the Prisoners most necessary expences for the livelyhood and maintenance of himselfe, Wife and children, while he lyes in prison, and the unavoydable Fees and charges that he must undergoe, he is forced by reason of his want, extremity, and restraint of liberty, to trust friends and servants, with the sale of Lands, chattells or goods, and with receipts and payments of money by whom he is very often deceived, cousened, or robbed, as by dayly experience is seen, not onely to the creditors prejudice, but many times to the overthrow of the Prisoners life. As for example if the debtor owe 1000 pound principall, and hath lands or lease, which may be well worth 2000. pound, yet if he cannot convert it into money for present payment, whereby his body is cast into Prison, there falleth so much disgrace and disreputation suddainly upon him, and his estate, that not one man in a countrey will bid him ought for it (how cleare or good soever the title be) only the lawyer or his creditor is commonly his chapman: marry they will give but halfe the worth which the Prisoner (whose necessity doth not sleepe) cannot refuse. And while these things are in doing a yeere 2 or 3. is spent in hope to sel to more advantag (for the Prisoner is loth to sel his Estate for half the worth) and in this time the Debts be increased by use, and the Estate more wasted by the Prisoners owne maintenance, by charges in Law, and chancery, to stop Executions, Utlaryes, Forfeitures, that his Estate that was worth 2000 pound, and was double to the principal Debt, 2 or 3 yeares before is now so far consumed that it wil scarce make 600 pound to pay the principall, use and charges, which in the meane time are growne to 13 or 1400 pounds, besides the overplus of 6 or 700 pounds, due by forfeiture.

So that it is by daily experience found that many Debtors have offered at first to pay the principall Debt, or halfe, or more or lesse, as their Estate and meanes did then enable them, who after they have been cast into Prison, have beene so far and so suddenly wasted, and consumed by lesser charges, Fees, and necessary maintenance of them, their Wives and children, as they have not beene able to pay any part of that which before Imprisonment they offered, and were

able

able to performe, but have perished in Prison. And though it be true that some Debtors have payd their Debts while they have been in Prison, yet they have been very few, nor were they enabled any way thereunto by Imprisonment, but by some accidentall Estate, fallen unto them by death of Father, Freinds, or kindred, or by some sale of Lands, or other Estate that could not be made sooner, or by recovery of Lands, Lease, Debts and such like, which time hath ripened, or accident hath brought to the Prisoners hand.

For Imprisonment of the debtors body no way enableth the debtor to give satisfaction, how prepostterous, and absurd is it then to cast the debters body into Prison, where his Estate is wasted, his credit spoyled, his fortunes and vertues lost, his body afflicted, his life consumed, or murdered, and whereby the creditor bars himselfe from all remedy against his Estate for ever; whenas the debtor though he be not able to pay presently, yet while he is at liberty, he hath his credit, his fortunes, his Friends, his quality, and endeavors, free not onely to rayse a new Estate to the payment of his debts, but to advance himselfe in Services that tend to the glory of God, and to the good of the King and common wealth: how prepostterous! But it is here objected, That if the Debtor hath Estate, and meanes to maintaine him in Prison, why doth he not pay the debt, and cleare himselfe out of Prison? *Answer.* For divers just and weighty causes. vizt.

It is in generall reason presumed that no man can be so voyde of understanding, or desperate of his owne life and liberty, That will lye in Prison all his dayes, if (by any though hard conditions for flesh and blood to undergoe) he may be delivered: for either to avoid the shame, misery, and danger of his life, by Imprisonment, he will pay the Debt if he can, or the creditor (whose heart and eye is more directed to the State then body) will not make himselfe uncapable to seise the Estate, by taking the Body. Hence therefore it is in necessity of reason induced that the Prisoner hath not meanes to pay the Debt.

2 The Debtor when he is cast into Prison, hath seriously to consider, whether the payment of all his Estate will cleare him or not.

For to pay all his Eſtate for part of his debt, and periſh in Priſon for the remainder.

Or to pay all his Eſtate for the principall Debt and knowledge a judgement for the Intereſt and forfeitures, wherby he muſt ſhortly come to priſon againe, or to pay all his Eſtate to the creditor that hath caſt him in Priſon, and not to have wherewith to pay others who are ready to do the like.

Or to pay all his Eſtate for a Debt doubled by forfeiture, when he hath payd the greateſt part already, is no other then to ſtarve himſelfe in Priſon, and conſequently to betray his owne life, which the Law of God, and nature abhorreth.

Of all theſe reaſons the creditor that caſt him in Priſon, (who commonly hath the worſt and moſt extortious Debt) will take no notice but againſt his owne conſcience, and knowledge & to colour his cruelty clamoureth & cryeth out falſely, that the debtor hath meanes to pay, but unconſcionably lyeth in Priſon, and will not pay.

3. The Impriſonment of the debtors body is the creditors ſatiſfaction that keepes him in Priſon: And it is the greateſt ſatisfaction that the creditor can exact, and the deereſt payment that the debtor can make; And the creditor is thereby excluded from all pretence againſt the Priſoners Eſtate, and the debtor can in no ſort be truely ſayd to keepe or ſpend the creditors Eſtate in Priſon, for if the Priſoner ſhall pay all his meanes and not be ſure to quit his liberty, thereby he payeth the debt double, and doth injuſtice againſt his owne life.

Now in all theſe caſes (which are the moſt common caſes, and cauſes, that Priſoners pay not their debts. It is a juſt equall, and reaſonable thing in the Priſoner, not to pay the creditor, but to keepe his Eſtate to defend his owne, his wife, and childrens lives from periſhing.

And therefore by all the reaſons premiſed, it muſt needes be cleerely againſt the creditors owne profit, to Impriſon the body of the debtor.

CHAP. 7.

CHAP. VII.

The prejudice of the King and Common-wealth.

TO be found a debtor in the Law is no crime or violence done againſt the publique juſtice and government, but is breach of pact and contract betweene private men, whoſe particular intereſt it onely concerneth, and therefore the wiſdome of the antient Lawes of this Kingdome gave remedy and ſatisfaction out of the particular Eſtate of the debtor, properly, but medled not with the body of the debtor.

the Kings of England are Kings of Fremen, not of ſlaves. And The body of every Subject belongeth to the King, and every Subject is a member or ſingle part of the body of the common-wealth. Now to take the body of the Kings Subject, and a member of the common-wealth, and to caſt him into Priſon for debt, is no other then to rob the King and common-wealth of their Limbs, and members, and conſequently of the ſervices and endeavors of a great number of good Subjects yeerely. And that it may be ſeene how farre this loſſe or miſchiefe done to the King and common-wealth, doth extend. let it be firſt remembred, that there are ſhut up in Priſons, for debts men of every quality, profeſſion, and degree, of which many have done, and the moſt part are able to do good ſervice to the King and State, in one kind or other.

Secondly, let the number be conſidered, for in *London* alone (by miſerable example) is found three or foure thouſand priſoners for debt, amongſt which are divers commanders and men of quality, and good endowments, who have the ſame vertues, yet both meſt and vertues, are buryed alive in Priſon, with the ſpoyle and overthrow of them, their wives and children. And it is the more prejudiciall to the King and common-wealth by how much it is more compaſſionate, in regard an honeſt man may fall in the Law, by a multitude of acci-,

dents, errors, practiſes, perjuries, forgeries, and ſuch like of others, and for doing honeſt, friendly, and chriſtian offices, out of Love, friendſhip, and good intention to others, as is before ſhewen when nothing can be ſayd for the Creditor, but that he contracted for uſury, covetous gaine, or forfaiture, things not altogether lawfull among men, but hatefull in the ſight of God.

And this Impriſonment of mens bodyes for debt, encourageth The Creditor to give ſo much blind, and deſperate credit to young Gentlemen, who thereby are fed with money to ſerve them in their wild courſes, and before they have age or diſcretion, the their foly or time to retract them, are eaten out of their eſtates, and oftentimes the Father ſeeth his eldeſt Son runne into deepe engagements, yet cannot reſtraine it whereby many an antient houſe and Family is overthrowne, and the Creditor planted in his ſted.

So is it with the painefull and honeſt Trader, who when the Profit of the Trade exceeds not the Intereſt he payes, yet is drawen along in hope of a better time, or better fortune, till the uſe hath eaten him and his honeſt care and Travayle quite out.

And it is the maine cauſe alſo of infinite and unneceſſary truſt, otherwiſe given to men of all ſorts, and degrees, through the Kingdome, who finding moneys to be had, and not knowing, or not fearing the cloſe biting, and cankerous nature of uſe, and being either out of their owne good nature a little free, and profuſe, or out of ſome accidentall cauſe of Suites in Law (or ſuch like) neceſſitated a little to exceed the compaſſe of their meanes, are in a very ſhort time by Intereſts and forfaitures, conſumed to nothing, or their eſtates ſo farre boared through, and embroyled, that ſcarſe one of a hundred can recover it all their life after.

Moreover, this Impriſonment for debts, is the cauſe of much murder, and blood-ſhed. For beſides the incredible number of Priſoners yeerely choakt up, and ſlaine by idle life, ill ayre, famine and Plague, and many times by deſperate executions upon their owne bodies for the heavy weight and miſeries they beare, There are many ſlaughters, and murders often committed betweene the Debtors Servants and Friends

Friends, and the Baliffes, Serjeants, and Under-Shriffes, who to gaine reward, will venter life and limbe, to kill or be killed for the arresting and haling the Debtor to Prison.

And it may not be conceived the least prejudice to a Christian Common-wealth in that this Imprisoning mens bodies for Debt is the onely nurse and support of extortous contracts, which God cannot abide: and it is the onely spoyle of charity amongst men which God most loveth: who can tell how farre the wrath of God is kindled against this Common-wealth, or how much prejudice it hath, and may receive for knowing and not doing these things, and not reforming them?

If the Creditor had not these Imprisoning priviledges, to prevaile upon the bodies of men; then it would follow, That the Debtor though he had paid the creditor al his estate, yet having his person, qualities, and endeavors, free, his Friends constant, and his credit unstayned with the Prison, is still able, ready, and fit, to do honour and Service to his King, and country, and to win and purchase himselfe a new Estate, to the payment of his Debts, and advancement of his owne fortunes. But if he be once foyled with the Prison, he is disabled to pay any Debt, to raise his fortunes, or to doe his Majesty, or country Service.

And againe, if the recovery of Debts were to be made only upon the Debtors estate, then it would also follow, That money would be imployed in Lands and lawfull Trade whereby the poore in Towne and Country, would be more and better set on worke: And honest Trade (that most advanceth the honour, strength, and wealth of a Kingdome) would be amplified, charity, (the Mother and roote of all other vertues) would abound, and shine out every where in her antient splendor, and pull downe the blessings of God more plentifully upon this Kingdome and people. Truth, honesty, and a good name, would be the highest ambition, charitable, and friendly borrowing, and lending, would be frequent, and honest dealing men best imployed and esteemed.

But if in the judgement of this Honourable Assembly, to which in all obedience your poore Petitioners humbly submit

mit themselves) it shall not seeme fit to restore your Petitioners to their antient legall liberties, as is earnestly desired, so as the creditors recovery may be made against the Debtors lands and goods, according to the antient fundamental Laws of this Kingdome, which are not repealed, therefore ought to binde. *VV. 2, Cap. 18. 13. Ed. 1.*

That then you would be charitably pleased to renew and confirme by an act of this Honourable Assembly, the Commissions of the 28. of the late queene *Elizabeth*, for reliefe of distressed Prisoners, and likewise to enact, that it may be forthwith put in execution in all points.

And your Petitioners as in duty most bound, shall likewise forever pray for the happy successe of this Honourable Parliament.

FINIS.

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